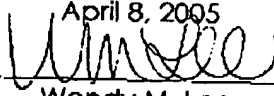


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APR 08 2005

Patent Docket P0998D3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of James Andya et al. Serial No.: 09/705,457 Filed: November 2, 2000 For: PROTEIN FORMULATION	Group Art Unit: 1644 Examiner: M. DiBrino Confirmation No: 7899 CUSTOMER NO: 09157 <small>Certificate of Facsimile Transmission Under 37 CFR § 1.8 In accordance with CFR § 1.8(d), this correspondence addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 is being transmitted to facsimile No. (703) 872-9306</small> April 8, 2005  Wendy M. Lee
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PETITION TO THE DIRECTOR TO WITHDRAW A HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely response to the Office Action mailed on August 2, 2004, which set a three month period for response. The abandonment date of this application is February 3, 2005, (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefor).

Applicant hereby petitions to the Director to withdraw the holding of abandonment on the basis that the Office Action was never received by Applicant. A copy of Applicant's case record printout for the above application showing all Office Action Mail Dates is attached, demonstrating Applicant never received the August 2nd Office Action prior to notification of the abandonment of the application. In addition, Applicant's 2004 US Office Action Log, where receipt dates for incoming US Office Actions are entered, has been reviewed by the undersigned, which further confirmed that the August 2, 2004 Office Action for the above-identified application was never received by Applicant in 2004.

Applicants received a phone call from Examiner DiBrino on March 23, 2005 in response to Applicant's Status Inquiry mailed on February 16, 2005. The Examiner informed Applicant that

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the application was abandoned due to the failure to respond to the August 2, 2004 Office Action. The Office Action was sent by the Examiner to Applicant by facsimile transmission on March 24, 2005. This petition is being filed within two months of the notification from the Examiner.

Applicant petitions the Director for withdrawal of a holding of abandonment, and asks that the Office Action be re-sent, re-setting the period for responding thereto.

Applicant does not believe there is a fee required for this petition, however, if one is required, the Commissioner is hereby authorized to charge any fees required to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: April 8, 2005

By: 

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994